

REMARKS

Claims 1, 2, 5, 6, 53, and 54 are pending. In this paper, claims 1 and 2 have been amended.

Reconsideration of the application is respectfully requested for the following reasons.

In the Office Action, claims 1-2, 5-6, and 53-54 were rejected under 35 USC §112, second paragraph, for being indefinite on two grounds. First, it is unclear whether the phrase “call information” in the transferring steps and ciphering steps refers to the same call information. To clarify these features, the ciphering step was amended to recite “ciphering additional call information to be transmitted between the terminal and network after the ciphering activation completion message is received from the network.” This amendment therefore clarifies that the call information transmitted before and after ciphering activation corresponds to different information transmitted during the same call. (See, for example, Paragraphs [78]-[82] of the specification for support).

Second, the phrase “key value” lacks antecedent basis in claim 2. Claim 2 has been amended to provide an antecedent basis for this phrase.

Applicants submit that the foregoing amendments and remarks are sufficient to overcome the § 112, second paragraph, rejection.

Claims 1, 5-6, and 53 were rejected under 35 USC §103(a) in view of an AAPA- Arata combination. Applicants request the Examiner to withdraw this rejection for the following reasons.

Claim 1 recites “transmitting a ciphering request from the terminal to the network after the call information has been transferred between the terminal and network without ciphering.”

This step is required to be performed after a call has been connected to the network and some call information has been transferred to the network without ciphering. After the ciphering has been activated in response to the request from the terminal, claim 1 recites “ciphering additional call information to be transmitted between the terminal and network after the ciphering activation completion message is received from the network, wherein the ciphering request is transmitted during transfer of data from the terminal to the network during the call.” These features are not taught or suggested by the cited references.

AAPA discloses a method in which only the network initiates ciphering activation. Moreover, ciphering activated is initiated before a call is connected and call information is transmitted between a terminal and a mobile communication network. Thus, AAPA fails to teach or suggest the above-quoted features of claim 1.

In addition, in rejecting claim 1 the Examiner pointed to steps 402 and 403 of Figure 4 of the application drawings. These steps indicate that when a registration request is received from a terminal (e.g., when the terminal is powered on), registration is completed and subsequent calls are processed without ciphering. However, the terminal never initiates ciphering activation in the Figure 4 method. Also, the Figure 4 method does not connected a call with a network and transmit some call information without ciphering, nor does it transmit additional call information with ciphering within the same call after the terminal initiates ciphering.

To make up for these omissions, the Arata publication was once again relied on.

The Arata publication discloses transmitting a ciphering request from a terminal to a network in order to activate ciphering (e.g. privacy mode). However, Arata transmits the ciphering request with a call signal used to initiate the call. (See, column 3, lines 11-19). That is,

the privacy mode request is transmitted to a base station before the call is ever connected. (See also column 7, lines 9-15). The Arata publication, therefore, does not teach or suggest allowing a user to request ciphering during the call, and more specifically after the call has been connected and after call information has already been transmitted between the terminal and the network without ciphering during the call as recited in claim 1.

Thus, Arata does not teach or suggest the connecting and transferring steps of claim 1, i.e., Arata does not teach or suggest the step of “transmitting a ciphering request from the terminal to the network after the call information has been transferred between the terminal and network without ciphering” as is further recited in claim 1. This is further apparent from the recitation that the ciphering request is transmitted “during transfer of data from the terminal to the network.” As indicated in the specification, this data transfer may involve voice, text, or other information during a call. (See Paragraphs [70], [77], and [78]). Arata also fails to teach or suggest “wherein the ciphering request is transmitted during transfer of data from the terminal to the network during the call.”

In addition, Arata does not teach or suggest “ciphering additional call information to be transmitted between the terminal and network” after the ciphering request has been transmitted from the terminal to the network during the call.

Absent a teaching or suggestion of these features, it is respectfully submitted that claim 1 is allowable over an AAPA-Arata combination. Furtherance of claim 1 and its dependent claims to allowance is respectfully requested.

Claim 2 was rejected under 35 USC §103(a) for being obvious in view of an AAPA-Arata- Al-Tawil combination. Applicants traverse this rejection on grounds that the Al-Tawil patent does not teach or suggest the features of base claim 1 missing from AAPA and Arata.

Claim 54 was rejected under 35 USC § 103(a) for being obvious in view of AAPA-Arata and Official Notice. Applicants traverse this rejection for the following reasons.

Dependent claim 54 recites “transmitting a ciphering deactivation request message from the terminal to the network during at a time when ciphered data is being transferred between the terminal and network” and “deactivating ciphering in response to the ciphering deactivation request message, the ciphering being deactivated during the call.” AAPA and Arata fails to teach or suggest these features. The Examiner acknowledged the same in the Office Action. However, instead of citing another reference, the Examiner merely attempted to take Official Notice of the features in claim 54.

The rules for taking Official Notice of subject matter recited in a claim are very clear. Under MPEP § 2144.03, Official Notice may be taken only if the claimed subject matter is capable of instant and unquestionable demonstration as being well known in the art. In the present case, AAPA and Arata do not teach or suggest the features of claim 54. Moreover, Applicants submit that it is not capable of instant and unquestionable demonstration of being well known of “transmitting a ciphering deactivation request message from the terminal to the network during at a time when ciphered data is being transferred between the terminal and network.” In fact, as noted in the specification, these are some of the novel features which distinguish the claimed invention from the cited references, i.e., in the past only the network initiated ciphering deactivation. In the claimed invention, the terminal initiates ciphering

deactivation, which gives the user of the terminal a greater degree of control over protecting the transmission of important information than previously available. There is not teaching or suggestion in the cited references of the terminal initiating ciphering deactivation.

Accordingly, it is respectfully submitted that claim 54 is allowable, not only by virtue of the features recited in base claim 1 but also based on the features separately recited therein.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Samuel W. Ntiros, Esq.**, at the telephone number listed below.

Reply to Office Action of **August 20, 2008**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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